

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Patent of: |) | |
| |) | |
| Jonnie R. WILLIAMS |) | |
| |) | |
| U.S. Patent No.: 6,425,401 B1 |) | Confirmation No. 1613 |
| |) | |
| (Serial No.: 09/668,144, |) | Group Art Unit: 1731 |
| filed September 25, 2000) |) | |
| |) | Examiner: Colaianne, M. |
| Issued: July 30, 2002 |) | |
| |) | Atty. Dkt. No. 004859.00006 |
| For: METHOD OF TREATING TOBACCO TO |) | |
| REDUCE NITROSAMINE CONTENT, AND |) | |
| PRODUCTS PRODUCED THEREBY |) | |

LETTER

Sir:

Upon reviewing the image file wrapper for the above-identified patent, it appears a Letter filed with the U.S. Patent and Trademark Office on November 7, 2002 was not entered into the official file. Attached is a copy of the November 7, 2002 Letter along with a copy of a postcard receipt date-stamped by the U.S. Patent and Trademark Office on November 7, 2002. Entry of the November 7, 2002 Letter into the official file is respectfully requested.

Respectfully submitted,

Date: March 6, 2009

By: /Paul M. Rivard/
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LETTER

Honorable Assistant Commissioner for Patents
Washington, DC 20231

Sir:

We request that this letter be added to the official prosecution file of the subject patent. The specification of the patent states that the preferred minimum flow of air is about 70 CFM at 1" static pressure per cubic foot of curing apparatus or barn volume (see, e.g., column 11, lines 63-65). It has been discovered that references in the patent to 70 and 80 CFM in the context of minimum airflow resulted from an inadvertence and, consequently, do not represent the actual preferred minimum flow of air for the practice of the invention.

The patent states that "[t]he container may be constructed to any suitable size typical of tobacco barns" and provides the following exemplary dimensions: "a width of about 120 inches, a depth of 60 inches, and a height of 82 inches." (column 16, lines 54-58). These dimensions provide approximately 342 cubic feet of volume (10 ft. x 5 ft. x 6.83 ft.). A Powell brochure has been identified with these identical dimensions. However, the dimensions in that brochure describe the furnace size rather than the barn or container size. It appears that the dimensions

referenced for the "container" (column 16, lines 54-58) inadvertently used the dimensions of the furnace instead of the dimensions for the barn.

In one example illustrating the advantages of the invention, an airflow of approximately 25,000 CFM was used (column 19, lines 50 to column 20, line 2). If the 342 cubic foot furnace is inadvertently used to calculate the airflow through the curing apparatus, the resulting calculation is:

$$25,000 \text{ CFM} / 342 \text{ cubic feet of volume} = \text{about } 70 \text{ CFM per cubic foot of volume}$$

The patent provides ample guidance elsewhere for determining the minimum flow of air for substantially preventing the formation of at least one nitrosamine (TSNA). For example, at column 11, lines 51-62, the specification states

Although the airflow through the barn may vary on a case-by-case basis and may be dependent on the arrangement of the tobacco leaves to be treated (i.e., the degree of tobacco leaf surface exposure) and the size of the curing apparatus or barn, the minimum flow of air is preferably about ten percent higher than the flow of flue gas commonly used in the prior art. As discussed above, however, it is within the scope of the present invention to provide relatively low airflow, provided that other parameters (e.g., humidity, temperature, etc.) are selected so that the prevention or reduction of at least one TSNA is achieved.

The specification further states "[t]he specific minimum flow of air needed for a given set of conditions may be determined on a routine basis given the disclosure of the present invention." (column 11, line 67 to column 12, line 2). In addition, an example of carrying out the invention in a curing barn is provided at column 19, lines 50 to column 20, line 2 (Example 7, describing

treatment in curing barn with airflow of about 25,000 CFM).

Respectfully submitted,

Date: 11/7/02

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☒ **PATENT** ☐ **DESIGN** B&W Ref. 004859.00006 Date November 7, 2002
☐ **HAND CARRY Group/Section** Bldg _____ Rm _____
 Serial/Patent No. 6,425,401 Atty/Sec PMR/sqs
 Inventor Jonnie R. Williams Client STAR SCIENTIFIC
 Title METHOD OF TREATING TOBACCO TO REDUCE NITROSAMINE CONTENT, AND PRODUCTS PRODUCED THEREBY

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:
☐ _____ total pp Spec., including : # of Claims _____
 (# of independent claims _____); ☐ Abstract
☐ Drawings : ☐ Formal ☐ Informal
 # of distinct sheets _____ : Figs. _____
☐ Declaration/Power of Attorney : ☐ Executed ☐ Unexecuted
☐ Assignment w/PTO Cover Sheet
☐ IDS w/PTO 1449 ☐ References ☐ w/Fee
☐ Preliminary Amendment
☐ Priority Claim (Foreign or U.S. Provisional. B&W # _____)
 Country _____ Appl. # _____ Date _____
☐ w/Foreign Priority Document(s)
☐ Application : ☐ CIP ☐ Continuation ☐ Divisional
 Parent Ser. No. _____ B&W# _____
☐ U.S. Provisional _____ pp Spec/Claims; Cover Sheet
☐ Response to Missing Parts/Requirements dtd _____
☐ Response to Notice to File Corrected Appln. Papers dtd _____
☐ Request for Expedited Foreign Filing License
☐ Request for Corrected : ☐ Filing Receipt ☐ Assignment
☐ Response to Restriction/Election Requirement
☐ Sequence Listing : ☐ Diskette ☐ Paper
☐ Amendment ☐ Response : OA dtd _____
☐ Petition for Extension of Time until _____
☐ CPA ☐ RCE ☐ w/Ext of Time : OA dtd _____
☐ Request for Approval of Drawing Changes
☐ Notice of Appeal & Fee
☐ Brief : ☐ Appeal & Fee ☐ Reply
☐ Request for Oral Hearing
☐ Issue Fee ☐ Advance Patent Copies (# ordered _____)
 Notice of Allowance dtd _____
☐ Amendment under 37 CFR 1.312
☐ Request for Certificate of Correction
☐ Transmittal ☐ Fee Transmittal w/Auth. to Charge Deposit Acct.
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